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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,821	08/20/2003	Jamey Graham	015358-006520US	7875
20350	7590	10/01/2009	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP			THERIAULT, STEVEN B	
TWO EMBARCADERO CENTER				
EIGHTH FLOOR			ART UNIT	PAPER NUMBER
SAN FRANCISCO, CA 94111-3834			2179	
			MAIL DATE	DELIVERY MODE
			10/01/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/645,821	GRAHAM ET AL.	
	Examiner	Art Unit	
	STEVEN B. THERIAULT	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 02 July 2009.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-10, 13-33, 36-56 and 59-72 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-10, 13-33, 36-56 and 59-72 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application

6) Other: _____.

DETAILED ACTION

1. This action is responsive to the following communications: RCE filed 11/12/2008.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/02/2009 has been entered.

2. Claims 1-10, 13-33, 36-56 and 59-72 are pending in the case.

Claim Objections

Claims 16 -18, 39-41, 62-64 are objected to because of the following informalities: Claims 16-18 depend from a cancelled claim (claim 11), claims 39-41 depend from claim cancelled claim 34 and claims 62-64 depend from cancelled claim 57. The following rejection assumes applicant meant to have claims 16-18 depend from claim 1, claims 39-41 depend from claim 24 and claims 62-64 depend from claim 47. Appropriate correction is required.

Claim Rejections - 35 USC § 101

3. In light of applicants amendments to claim 1-23 and 70 the previous rejection is now considered moot.

Response to Arguments

Applicant's arguments with respect to claims 1-72 have been considered but are not persuasive. The previous rejection using Rajasekaran to teach the time stamp start and stop time is now overcome with the limitation of "determining ... one or more operations... based upon the one or more identifiers selected from the second set of identifiers", does not appear to be shown in Rajasekaran and therefore the previous rejection is now considered moot (See arguments page

Art Unit: 2179

20-21). However, in view of RCE, amended claim, arguments presented and an updated search, the new grounds of rejection is presented below.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-13, 16, 18-36, 39, 41-59, 62, 64-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wellner et al. (hereinafter Wellner) U.S. Patent No. 5640193 issued June

17, 1997, in view of Kajitani et al. (hereinafter Kajitani) U.S. Patent No. 4,841,132 filed July 16, 1987

In regard to **Independent claim 1**, Wellner teaches a computer-implement method of accessing a portion of multimedia information using a paper document, the method comprising:

- Receiving by a computer an identifier from a selection of one or more identifiers from a first set of identifiers printed on the paper document, which indexes the multimedia information (See Figure 1, and column 2, lines 20-45).
- Receiving by the computer another identifier of selection of one or more identifiers from a second set of identifier printed on the paper document (See column 5, lines 27-67 and column 4, lines 55-65 and column 6, lines 10-46).
- Determining by the computer one or more operations of the multimedia information based upon the one or more identifiers selected from the second set of identifiers (See column 5, lines 20-67 and column 6, lines 10-46). Wellner teaches a determination of the identifier, using the mark, can allow for the playing, or VCR like controls of the object and for the retrieval of information as the user reads a magazine article or newspaper.
- Outputting by the computer for play on the computer or a remote computer the portions of the multimedia information corresponding to the at least one time range from the one or more time ranges. (See column 6, lines 15-26). To play key events from video footage someone would need to indicate the selection of said key event. Wellner teaches the marks contain unique identifiers for the program (See column 4, lines 45-57)

Wellner does not expressly teach:

- Determining by the computer one or more of the portions of the multimedia information corresponding to the one or more time ranges, wherein a portion of multimedia

information corresponding to a time range comprises information from the multimedia information occurring between the start time and end time associated with the time range;

- Determining by the computer one or more time ranges from a plurality of time ranges, which are temporally consecutive and respectively associated with a plurality of consecutive portions of the multimedia information based upon the one or more identifiers, each time range having a start time and an end time

However, **Kajitani** teaches a mechanism to allow the receipt by the computer of time ranges from identifiers linked to multimedia information, where the identifiers have a start and stop time. For example, Kajitani shows a medium (paper) that contains a temporally and consecutively arranged set of identifiers associated with program channels on the television. The time codes include a start time (See 3d and e, and figure 4). The marks are arranged in a manner where the user selects the program, channel and start and stop times. Kajitani teaches a determining process where the barcode information and times are checked for erroneous inputs by checking a discriminator table that is checked against the input information read from the bar codes (See column 6, lines 1-67). Kajitani teaches checking the program information to determine the time ranges associated with the program information by comparing with stored information (See column 7, lines 1-15). Wellner and Kajitani both provide mechanisms for scanning a code on the surface of a document to direct a computer or device to perform a function. They both teach a process of retrieving user selected information for display to the user. Wellner also suggests that the system reads barcodes with embedded information that are marks with unique ids to retrieve the information and Kajitani clearly teaches modified marks or bar codes that identify information.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention, having the teachings of Kajitani and Wellner in front of them, to modify the system scanner of Wellner to include the marks of Kajitani that have start and stop range identifiers linked to media information. The motivation to combine with Kajitani comes from Wellner where Wellner states the device can be built into a VCR system (See column 3, lines (30-35) and in

Kajitani where Kajitani suggests the device may be used in a video recording system (See column 4, lines 40-67 and column 11, lines 40-46). Moreover, Wellner suggests using the system to access news stories that can allow users to instantly play sound bites and crucial video footage by scanning a barcode and Kajitani provides a barcode associated with a start and stop time.

With respect to **dependent claims 2-9**, Wellner teaches the method:

- wherein the information of the first type is video information and the information of the second type is at least one of audio information and closed-caption text information (See column 6, lines 15-26 and column 3, lines 10-20).
- wherein the first identifier is selected after the second identifier (See column 2, lines 40-56 and Figure 4). The user determines which identifier they select first which can be channel date and start and stop time but the given start and stop times can be different.
- wherein the first identifier is selected before the second identifier (See column 2, lines 40-56 and Figure 4). The user determines which identifier they select first which can be channel date and start and stop time but the given start and stop times can be different.

Wellner does not expressly teach:

- *determining the portions of the multimedia information corresponding to the one or more time ranges comprises determining a portion of the multimedia information occurring between the first time and second time associated with the first identifier and determining by the computer the portions of the multimedia information corresponding to the one or more time ranges comprises determining a portion of the multimedia information occurring between the first time and second time associated with the first identifier*
- wherein one or more time ranges includes a first time range and determining portions of the recorded information comprises determining at least one of information of the first

type and information of the second type from the recorded information occurring between the start time and end time associated with the first time range.

- *wherein the start time of the first time range is determined by subtracting a first amount of time from the time associated with the first identifier and an end time of the first time range is determined by adding a second amount of time to the time associated with the first identifier and wherein the first amount of time and the second amount of time are user-configurable*
- determining by the computer a time associated with the first identifier; and determining by the computer a time associated with the second identifier; determining by the computer the portions of the recorded multimedia information corresponding to the one or more time ranges comprises determining a portion of the multimedia information occurring between the time associated with the first identifier and the time associated with the second identifier.

Wellner suggests a process of allowing the user, via a pen, to see an associated video footage of a **particular video footage, sound bites and interviews** associated with an event (e.g. moment the skier falls or goal), which provides the structure that the system needs to know the date, time and specific channel to retrieve the video containing the goal and then the time when the goal occurred, to allow for viewing. The structure would have to know a start and stop time to identify the video footage with the goal. The structure would need to know how to associate from a given video footage the goal time within the footage. Wellner teaches the identification of the footage is performed by scanning a barcode or glyphs on an object that contain marks to retrieve video clips (See column 4, lines 25-67). Wellner does not state that the determination is made where the first identifier and second identifier are associated with time ranges even though video footage clearly has time stamps and frame. However, Kajitani specifically checks to see that the barcode with a start time associated with an identifier such as a channel and date, as shown in figure 3a-3e where the barcode contains program information as well as program position, date, start and stop times are checked to see if the correct codes have been entered (See column 6, lines 1-67).

Kajitani provides barcode and selection mechanisms from a paper, where the user can select a start and stop time barcode from the paper to retrieve the program information, date and time, for the purposes of viewing on a television. Kajitani teaches a barcode represents program information, a determining process where the barcode information and times are checked for erroneous inputs by checking a discriminator table that is checked against the input information read from the bar codes (See column 6, lines 1-67). Kajitani teaches checking the program information to determine the time ranges associated with the program information by comparing with stored information (See column 7, lines 1-15). Wellner and Kajitani both provide mechanisms for scanning a code on the surface of a document to direct a computer or device to perform a function. They both teach a process of retrieving user selected information for display to the user. Wellner also suggests that the system reads barcodes with embedded information that are marks with unique ids to retrieve the information and Kajitani clearly teaches modified marks or bar codes that identify information.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention, having the teachings of Kajitani and Wellner in front of them, to modify the system scanner of Wellner to include the marks of Kajitani that have start and stop range identifiers linked to media information. The motivation to combine with Kajitani comes from Wellner where Wellner states the device can be built into a VCR system (See column 3, lines (30-35) and in Kajitani where Kajitani suggests the device may be used in a video recording system (See column 4, lines 40-67 and column 11, lines 40-46). Moreover, Wellner suggests using the system to access news stories that can allow users to instantly play sound bites and crucial video footage by scanning a barcode and Kajitani provides a barcode associated with a start and stop time.

With respect to **dependent claim 10**, Wellner teaches the method wherein the identifiers in the first set of identifiers are barcodes and receiving information indicative of selection of the one or more identifiers from the first set of identifiers comprises reading at least one barcode from the paper document using a barcode reader (See column 2, lines 20-30). Wellner shows accessing a

bar code on a paper medium to retrieve an identifier linked to media.

With respect to **dependent claim 13**, Wellner teaches the method wherein performing the at least one operation comprises communicating the portion of the multimedia information corresponding to the at least one time range to a recipient (See column 4, lines 50-60 and column 6, lines 15-26).

With respect to **dependent claim 16**, Wellner teaches the method wherein performing the at least one operation comprises deleting the portion of the multimedia information corresponding to the at least one time range from the recorded information (See column 6, lines 10-16).

With respect to **dependent claim 18**, Wellner teaches the method wherein performing the at least one operation comprises storing the portion of the multimedia information corresponding to the at least one time range (See column 4, lines 50-60 and column 6, lines 15-26).

With respect to **dependent claim 19**, Wellner teaches the method further comprising receiving information indicative of selection of one or more identifiers from a second set of identifiers printed on the paper document (See column 2, lines 25-67) and determining one or more operations based upon the one or more identifiers from the second set of identifiers and performing at least one operation from the one or more operations on portions of the recorded information corresponding to the one or more time ranges(See column 5, lines 1-27).

With respect to **dependent claims 20, 21, and 23**, as indicated in the above discussion, Wellner teaches each limitation of claim 19.

Wellner does not expressly teach the method wherein performing the at least one operation comprises ranking the one or more time ranges based upon contents of the portions of the recorded information corresponding to the one or more time ranges and determining relevance of the portion of the recorded information corresponding to the time range to a user-specified criterion wherein performing the at least one operation comprises grouping the one or more time ranges into one or more groups based upon contents of the portions of the recorded information corresponding to the one or more time ranges

However, **Kajitani** teaches a mechanism to allow the receipt by the computer of time ranges from identifiers linked to multimedia information, where the identifiers have a start and stop time. For example, Kajitani shows a medium (paper) that contains a temporally and consecutively arranged set of identifiers associated with program channels on the television. The time codes include a start time (See 3d and e, and figure 4). The marks are arranged in a manner where the user selects the program, channel and start and stop times. **Kajitani** teaches displaying the channels in order by data and start and stop time, which would allow for grouping the programs by start and stop time or time ranges. Wellner and Kajitani both provide mechanisms for scanning a code on the surface of a document to direct a computer or device to perform a function. They both teach a process of retrieving user selected information for display to the user. Wellner also suggests that the system reads barcodes with embedded information that are marks with unique ids to retrieve the information and Kajitani clearly teaches modified marks or bar codes that identify information.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention, having the teachings of Kajitani and Wellner in front of them, to modify the system scanner of Wellner to include the marks of Kajitani that have start and stop range identifiers linked to media information. The motivation to combine with Kajitani comes from Wellner where Wellner states the device can be built into a VCR system (See column 3, lines (30-35) and in

Art Unit: 2179

Kajitani where Kajitani suggests the device may be used in a video recording system (See column 4, lines 40-67 and column 11, lines 40-46). Moreover, Wellner suggests using the system to access news stories that can allow users to instantly play sound bites and crucial video footage by scanning a barcode and Kajitani provides a barcode associated with a start and stop time.

With respect to **dependent claim 22**, Wellner teaches the wherein the user-specified criterion identifies a topic of interest (See column 4, lines 25-67).

With respect to **dependent claim 70**, Wellner teaches displaying the content corresponding to one or more time ranges (See column 4, lines 50-60 and column 6, lines 15-26).

Claims **24-36, 39, 41-46, 71** reflect the system comprising computer readable instruction for performing the method steps of 1-13, 16, 18-23, 70 respectively, and are rejected along the same rationale.

Claims **47-59, 62, 64-69, 72** reflect the computer program product comprising computer readable instruction for performing the method steps of 1-13, 16, 18-23 respectively, and are rejected along the same rationale.

7. **Claims 14, 15, 17, 37-38, 40, 60-61, and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wellner et al. (hereinafter Wellner) U.S. Patent No. 5640193 issued June 17, 1997, in view of Kajitani et al. (hereinafter Kajitani) U.S. Patent No. 4,841,132 filed July 16, 1987, in further view of Wilz et al. (Hereinafter Wilz) U.S. Patent No. 6152369 filed Aug. 4, 1997.**

With respect to **dependent claims 14 and 15**, Wellner in view of Kajitani teach every limitation of claim 13.

Wellner in view of Kajitani does not expressly teach the method wherein communicating the portion of the recorded information corresponding to the at least one time range to the recipient comprises communicating the portion of the recorded information via an electronic mail addressed to the recipient or via facsimile. However, these limitations would have been obvious to one of ordinary skill in the art at the time of the invention, having the teachings of Wellner, Kajitani and Wilz in front of them, to modify the system of Wellner to have the barcode perform an operation to retrieve email because Wellner suggests using live discussion groups linked to other students to retrieve information. Wilz teaches a file that can be sent via email and facsimile to another user where the item is printed and then faxed (See column 24, lines 26-67 and column 25, lines 1-21). Wellner and Wilz teach using paper mediums to store bar codes that can be scanned by a user. The bar codes represent information that can be retrieved. Both inventions teach the bar codes comprise information directing the user to media content and both have codes that include time values. The motivation to combine Wilz with Wellner comes from the suggestion in Wilz that the use of bar codes can simplify the entry of commands to direct the computer to perform a process such as entering a URL or directing the machine to send an email containing the information of interest (See column 2, lines 30-50 and 59-67 and column 3, lines 5-15). Moreover, Wilz teaches accessing presentations from a barcode and Wellner teaches the presentations for the user are retrieved by accessing a barcode (See column 6, lines 35-52). With respect to **dependent claim 17**, Wellner in view of Kajitani teach every limitation of claim 11.

Wellner in view of Kajitani does not expressly teach the method wherein performing the at least one operation comprises printing a representation of the portion of the recorded information corresponding to the at least one time range on a paper medium to generate a second paper document. However, these limitations would have been obvious to one of ordinary skill in the art at the time of the invention, having the teachings of Wellner, Kajitani and Wilz in front of them, to modify the system of Wellner with the teachings of Wilz that allows for barcode menus printed on paper to be selected by users scanning through a catalog or collection of information, as

Art Unit: 2179

suggested by Wellner (See column 2, lines 29-41). The codes are selected by the user that include a point in time or over a period in time to determine which items should be within the menu under composition. Wilz further teaches that the arranged information can be in a number of columns or pages to encompass the information. These two teachings suggest that a set of items from a catalog occurring at a point in time can be selected and arranged in a menu to be printed by the system that can be on one or more pages of paper. (See column 18, lines 44-67 and column 23, lines 20-67 and column 24, lines 1-25).

Claims **37-38 and 40** reflect the system comprising computer readable instruction for performing the method steps of 14-15 and 17, respectively, and are rejected along the same rationale.

Claims **60-61 and 63** reflect the computer program product comprising computer readable instruction for performing the method steps of 14-15 and 17, respectively, and are rejected along the same rationale.

A reference to specific paragraphs, columns, pages, or figures in a cited prior art reference is not limited to preferred embodiments or any specific examples. It is well settled that a prior art reference, in its entirety, must be considered for all that it expressly teaches and fairly suggests to one having ordinary skill in the art. Stated differently, a prior art disclosure reading on a limitation of Applicant's claim cannot be ignored on the ground that other embodiments disclosed were instead cited. Therefore, the Examiner's citation to a specific portion of a single prior art reference is not intended to exclusively dictate, but rather, to demonstrate an exemplary disclosure commensurate with the specific limitations being addressed. *In re Heck*, 699 F.2d 1331, 1332-33,216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting *In re Lemelson*, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)). *In re: Upsher-Smith Labs. v. Pamlab, LLC*, 412 F.3d 1319, 1323, 75 USPQ2d 1213, 1215 (Fed. Cir. 2005); *In re Fritch*, 972 F.2d 1260, 1264, 23 USPQ2d 1780, 1782 (Fed. Cir. 1992); *Merck & Co. v. Biocraft Labs., Inc.*, 874 F.2d 804, 807, 10 USPQ2d 1843, 1846 (Fed. Cir. 1989); *In re Fracalossi*, 681 F.2d 792,794 n.1, 215 USPQ 569, 570 n.1 (CCPA 1982); *In re Lamberti*, 545 F.2d 747, 750, 192 USPQ 278, 280 (CCPA 1976); *In re Bozek*, 416 F.2d 1385, 1390, 163 USPQ 545, 549 (CCPA 1969).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5682540 to Klotz, that teaches a paper based medium where machine readable code convey information to the user about the information on the page by accessing a computer with the information embedded in the code. The information can be user specific information based on keywords or information recognized from the accessed images.

U.S. Patent No. 5938727 to Ikeda, which also teaches a paper based interface that contains codes that are read by a scanner and direct a user to access the media on a computer.

U.S. Patent No. 6996782 to Parker et al, that teaches indexing multimedia object and retrieving them based on a time range.

U.S. Patent No. 5899700 to Williams et al, that teaches a system of reading encoded information from a paper medium

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. Theriault whose telephone number is (571) 272-5867. The examiner can normally be reached on M, W, F 10:00AM - 8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2179

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven B Theriault/
Primary Examiner
Art Unit 2179